

SECOND REGULAR SESSION

# HOUSE BILL NO. 2295

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE INGLE.

4614H.02I

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 338.010, RSMo, and to enact in lieu thereof two new sections relating to contraceptives.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 338.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 338.010 and 338.720, to read as follows:

338.010. 1. The "practice of pharmacy" includes:

(1) The interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353, and the receipt, transmission, or handling of such orders or facilitating the dispensing of such orders;

(2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan in accordance with the provisions of this section;

(3) The compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders;

(4) The ordering and administration of vaccines approved or authorized by the U.S. Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, and any vaccine approved after January 1, 2023, to persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of pharmacy and the state board of registration for the healing arts unless rules are established under a state of emergency as described in section 44.100;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (5) The participation in drug selection according to state law and participation in drug  
18 utilization reviews;

19 (6) The proper and safe storage of drugs and devices and the maintenance of proper  
20 records thereof;

21 (7) Consultation with patients and other health care practitioners, and veterinarians  
22 and their clients about legend drugs, about the safe and effective use of drugs and devices;

23 (8) The prescribing and dispensing of any nicotine replacement therapy product under  
24 section 338.665;

25 (9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730;  
26 [~~and~~]

27 (10) **The dispensing of self-administered hormonal contraceptives under section**  
28 **338.720; and**

29 (11) The offering or performing of those acts, services, operations, or transactions  
30 necessary in the conduct, operation, management and control of a pharmacy.

31 2. No person shall engage in the practice of pharmacy unless he or she is licensed  
32 under the provisions of this chapter.

33 3. This chapter shall not be construed to prohibit the use of auxiliary personnel under  
34 the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties.  
35 This assistance in no way is intended to relieve the pharmacist from his or her responsibilities  
36 for compliance with this chapter and he or she will be responsible for the actions of the  
37 auxiliary personnel acting in his or her assistance.

38 4. This chapter shall not be construed to prohibit or interfere with any legally  
39 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use  
40 in animals, or the practice of optometry in accordance with and as provided in sections  
41 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or  
42 her own prescriptions.

43 5. A pharmacist with a certificate of medication therapeutic plan authority may  
44 provide medication therapy services pursuant to a written protocol from a physician licensed  
45 under chapter 334 to patients who have established a physician-patient relationship, as  
46 described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician.  
47 The written protocol authorized by this section shall come only from the physician and shall  
48 not come from a nurse engaged in a collaborative practice arrangement under section  
49 334.104, or from a physician assistant engaged in a collaborative practice arrangement under  
50 section 334.735.

51 6. Nothing in this section shall be construed as to prevent any person, firm or  
52 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that  
53 a licensed pharmacist is in charge of such pharmacy.

54           7. Nothing in this section shall be construed to apply to or interfere with the sale of  
55 nonprescription drugs and the ordinary household remedies and such drugs or medicines as  
56 are normally sold by those engaged in the sale of general merchandise.

57           8. No health carrier as defined in chapter 376 shall require any physician with which  
58 they contract to enter into a written protocol with a pharmacist for medication therapeutic  
59 services.

60           9. This section shall not be construed to allow a pharmacist to diagnose or  
61 independently prescribe pharmaceuticals.

62           10. The state board of registration for the healing arts, under section 334.125, and the  
63 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the  
64 use of protocols for medication therapy services. Such rules shall require protocols to include  
65 provisions allowing for timely communication between the pharmacist and the protocol  
66 physician or similar body authorized by this section, and any other patient protection  
67 provisions deemed appropriate by both boards. In order to take effect, such rules shall be  
68 approved by a majority vote of a quorum of each board. Neither board shall separately  
69 promulgate rules regulating the use of protocols for medication therapy services. Any rule or  
70 portion of a rule, as that term is defined in section 536.010, that is created under the authority  
71 delegated in this section shall become effective only if it complies with and is subject to all of  
72 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
73 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
74 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
75 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
76 proposed or adopted after August 28, 2007, shall be invalid and void.

77           11. The state board of pharmacy may grant a certificate of medication therapeutic  
78 plan authority to a licensed pharmacist who submits proof of successful completion of a  
79 board-approved course of academic clinical study beyond a bachelor of science in pharmacy,  
80 including but not limited to clinical assessment skills, from a nationally accredited college or  
81 university, or a certification of equivalence issued by a nationally recognized professional  
82 organization and approved by the board of pharmacy.

83           12. Any pharmacist who has received a certificate of medication therapeutic plan  
84 authority may engage in the designing, initiating, implementing, and monitoring of a  
85 medication therapeutic plan as defined by a written protocol from a physician that may be  
86 specific to each patient for care by a pharmacist.

87           13. Nothing in this section shall be construed to allow a pharmacist to make a  
88 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by  
89 the written protocol or the physician's prescription order.

90 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary  
91 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or  
92 an equivalent title means a person who has received a doctor's degree in veterinary medicine  
93 from an accredited school of veterinary medicine or holds an Educational Commission for  
94 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary  
95 Medical Association (AVMA).

96 15. In addition to other requirements established by the joint promulgation of rules by  
97 the board of pharmacy and the state board of registration for the healing arts:

98 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment  
99 guidelines established by the Centers for Disease Control and Prevention (CDC);

100 (2) A pharmacist who is administering a vaccine shall request a patient to remain in  
101 the pharmacy a safe amount of time after administering the vaccine to observe any adverse  
102 reactions. Such pharmacist shall have adopted emergency treatment protocols.

103 16. In addition to other requirements by the board, a pharmacist shall receive  
104 additional training as required by the board and evidenced by receiving a certificate from the  
105 board upon completion, and shall display the certification in his or her pharmacy where  
106 vaccines are delivered.

107 17. A pharmacist shall inform the patient that the administration of a vaccine will be  
108 entered into the ShowMeVax system, as administered by the department of health and senior  
109 services. The patient shall attest to the inclusion of such information in the system by signing  
110 a form provided by the pharmacist. If the patient indicates that he or she does not want such  
111 information entered into the ShowMeVax system, the pharmacist shall provide a written  
112 report within fourteen days of administration of a vaccine to the patient's health care provider,  
113 if provided by the patient, containing:

114 (1) The identity of the patient;

115 (2) The identity of the vaccine or vaccines administered;

116 (3) The route of administration;

117 (4) The anatomic site of the administration;

118 (5) The dose administered; and

119 (6) The date of administration.

120 18. A pharmacist licensed under this chapter may order and administer vaccines  
121 approved or authorized by the U.S. Food and Drug Administration to address a public health  
122 need, as lawfully authorized by the state or federal government, or a department or agency  
123 thereof, during a state or federally declared public health emergency.

**338.720. 1. For purposes of this section, the term "self-administered hormonal  
2 contraceptive" shall mean a drug composed of one or more hormones that is approved  
3 by the United States Food and Drug Administration to prevent pregnancy.**

4           **2. A pharmacist may dispense self-administered hormonal contraceptives to a**  
5 **person under a prescription order for medication therapy services as described in**  
6 **section 338.010. A prescription order for a self-administered hormonal contraceptive**  
7 **shall have no expiration date.**

8           **3. The board of pharmacy, under section 338.140, and the board of registration**  
9 **for the healing arts, under section 334.125, shall jointly promulgate rules regulating the**  
10 **use of protocols for prescription orders for self-administered hormonal contraceptives.**  
11 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
12 **under the authority delegated in this section shall become effective only if it complies**  
13 **with and is subject to all of the provisions of chapter 536 and, if applicable, section**  
14 **536.028. This section and chapter 536 are nonseverable, and if any of the powers vested**  
15 **with the general assembly pursuant to chapter 536 to review, to delay the effective date,**  
16 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
17 **of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall**  
18 **be invalid and void.**

19           **4. The rules adopted under this section shall require a pharmacist to:**

20           **(1) Complete a training program approved by the board of pharmacy that is**  
21 **related to dispensing self-administered hormonal contraceptives under this section;**

22           **(2) Provide a self-screening risk assessment tool that the patient shall use prior**  
23 **to the pharmacist's dispensing the self-administered hormonal contraceptive under this**  
24 **section;**

25           **(3) At least once every twelve months, verbally refer the patient to the health**  
26 **care provider with whom the pharmacist has a prescription order before dispensing the**  
27 **self-administered hormonal contraceptive to the patient;**

28           **(4) Provide the patient with a written record of the self-administered hormonal**  
29 **contraceptive dispensed and advise the patient to consult with a health care provider;**  
30 **and**

31           **(5) Dispense the self-administered hormonal contraceptive to the patient as soon**  
32 **as practicable.**

33           **5. All state and federal laws governing insurance coverage of contraceptive**  
34 **drugs, devices, products, and services shall apply to self-administered hormonal**  
35 **contraceptives dispensed by a pharmacist under this section.**

36           **6. Nothing in this section shall be construed to allow a pharmacist to make a**  
37 **therapeutic substitution of a pharmaceutical prescribed by a physician unless**  
38 **authorized by the written protocol or the physician's written prescription order.**